

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)
)
) Case No. 2:05CR00026
)
)
v.) **FINAL ORDER**
)
THERESA JANE HEAD,) By: James P. Jones
) United States District Judge
Defendant.)

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. The defendant's motion, styled as "APPLICATION OF APPEALABILITY" (ECF No. 158), construed as a Motion for Reconsideration under Federal Rule of Civil Procedure 60(b), is DENIED, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The Clerk is DIRECTED to redocket the motion (ECF No. 158) as a § 2255 motion;
3. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: January 4, 2013

/s/ James P. Jones
United States District Judge